

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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B. Deany
7/21/98

Applicants: Dean L. Engelhardt et al.

Serial No.: 08/486,069 Group Art Unit: 1634

Filed: June 7, 1995 Examiner: Ardin Marschel, Ph.D.

Title: NUCLEIC ACID HYBRIDIZATION DETECTION AND SEQUENCING PROCESS
(As Previously Amended)

FILED BY FIRST CLASS MAIL

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

COPY

**NOTICE OF APPEAL TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated January 6, 1998 of the Primary Examiner, finally rejecting claims 284-372. A Request For an Extension of Time (3 mos.) with the fee therefor is being concurrently filed with Applicants' July 6, 1998 Response Under 37 C.F.R. §1.116 and their Request Under 37 C.F.R. §1.129(a) For Withdrawal of the Finality of the January 6, 1998 Office Action. Thus, this Appeal is being filed in the alternative to Applicants' withdrawal request.

The items checked below are appropriate:

1. Appeal Fee (for other than a Small Entity*) \$310.00
2. Fee enclosed.
3. Fee not required (e.g., Fee paid in prior appeal).
4. Charge Fee to Deposit Account No. 05-1135.
(A DUPLICATE COPY OF THIS SHEET IS ATTACHED.)
5. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account No. 05-1135.

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GROUP 180

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Respectfully submitted,

Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

July 6, 1998

Date

ENZO DIAGNOSTICS, INC.
c/o ENZO BIOCHEM, INC.
527 MADISON AVENUE, 9TH FLOOR
NEW YORK, NY 10022

07/21/1998 CSC/TEL. (200) 633-50130 08486069

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310.00 CH

Attorney's Docket No.: Enz-5(D8)(C2)

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231

Ronald C. Fedus
Reg No. 32,567

Date

JULY 6 98



**RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP ART UNIT 1634**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt et al.
 Serial No.: 08/486,069 Group Art Unit: 1634
 Filed: June 7, 1995 Examiner: Ardin H. Marschel, Ph.D
 For: **NUCLEIC ACID HYBRIDIZATION DETECTION
AND SEQUENCING PROCESS (As Previously Amended)**

FILED BY FIRST CLASS MAIL

Honorable Commissioner of
 Patents and Trademark
 Washington, D.C. 20231 **Attention: Box AF**

Sir:

Transmitted herewith is Applicants' July 6, 1998 Amendment Under 37 C.F.R. §1.116 in the above-identified patent application.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total	93	Minus	93	= 0	x 22	\$ 0
Indep	4	Minus	4	= 0	x 82	\$ 0
() First Presentation of Multiple Dependent Claims					+ 270	\$ 0
					TOTAL ADDITIONAL FEE	\$ 0

() Charge Deposit Account No. 05-1135 in the amount of \$0.00.

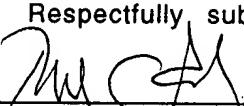
() A check in the amount of \$_____ is attached.

(X) The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 05-1135: any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims and any patent application processing fees under 37 C.F.R. §1.17.

(X) Also enclosed: Request to Withdraw Finality of Office Action, Notice of Appeal (in the alternative) & Request for Extension of Time (3 months)

Copies are being provided in triplicate.

Respectfully submitted,

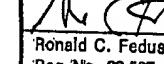

 Ronald C. Fedus
 Registration No. 32,567
 Attorney for Applicant(s)

JULY 6, 1998

Date

ENZO DIAGNOSTICS, INC.
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 527 Madison Avenue (9th Floor)
 New York, New York 10022
 Tel. (212) 583-0100
 Attorney's Docket No.: Enz-5 (D8)(C2)

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Ronald C. Fedus	Data
Reg. No. 32,567	

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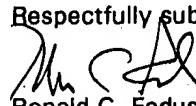
July 6, 1998

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NEW YORK, NY 10022
TEL. (212) 583-0100

Attorney's Docket No.: Enz-5(D8)(C2)

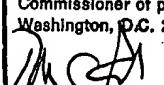
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Ronald C. Fedus	Date
Reg. No. 32,567	[Redacted]